

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Gavin Dewayne Smith

Docket No. 7:03-CR-15-2F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gavin Dewayne Smith, who, upon an earlier plea of guilty to 18 U.S.C. §§ 2113 (a)(d) and 2, Armed Bank Robbery and Aiding and Abetting, and 18 U.S.C. §§ 924 (c) and 2, Possession of a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 26, 2003, to the custody of the Bureau of Prisons for a term of 135 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay a fine of \$5,500, and restitution of \$1,844.42.

Gavin Dewayne Smith was released from custody on October 26, 2012, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 30, 2013, Smith submitted to urine testing and results of the sample submitted was positive for cocaine. Smith admitting taking a substance to address back pain that was not prescribed for his use. He realized he used poor judgment and apologized for the mistake. This is the first violation conduct incurred by Smith since his release and all tests since have been negative. He has been enrolled in outpatient drug testing and will now be enrolled in treatment as well. It is recommended supervision be continued but modified to require Smith to serve two days in jail and participate in the DROPS program for detected illegal drug use. This should deter any further drug use and afford him the opportunity to receive substance abuse treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

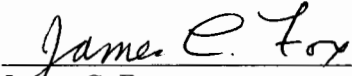
/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: September 25, 2013

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ORDER OF COURT

Considered and ordered this 26th day of September, 2013, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge